

---

1990s

The Gavel

---

1994

1994 Vol. 42 No. 5

Cleveland-Marshall College of Law

Follow this and additional works at: [https://engagedscholarship.csuohio.edu/lawpublications\\_gavel1990s](https://engagedscholarship.csuohio.edu/lawpublications_gavel1990s)

**How does access to this work benefit you? Let us know!**

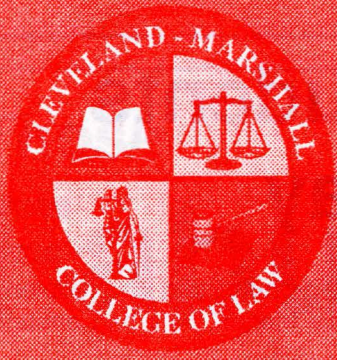
---

### Recommended Citation

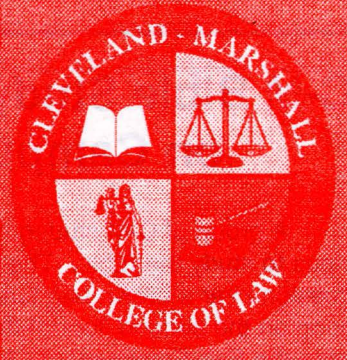
Cleveland-Marshall College of Law, "1994 Vol. 42 No. 5" (1994). 1990s. 5.  
[https://engagedscholarship.csuohio.edu/lawpublications\\_gavel1990s/5](https://engagedscholarship.csuohio.edu/lawpublications_gavel1990s/5)

This Book is brought to you for free and open access by the The Gavel at EngagedScholarship@CSU. It has been accepted for inclusion in 1990s by an authorized administrator of EngagedScholarship@CSU. For more information, please contact [library.es@csuohio.edu](mailto:library.es@csuohio.edu).





# THE GAVEL



Volume 42, Issue 5 Cleveland-Marshall College of Law

## Lessons of Liberty

by Robin Wilson  
Staff Writer

As editor of his high school newspaper, Akhil Reed Amar wrote anti-Nixon editorials. When the principal of his high school began censoring his articles, he became an ardent student of the Bill of Rights, especially the first amendment.

Now, less than 15 years later, the Yale law professor is a noted author of numerous articles on constitutional law, federal jurisdiction and American legal history.

Amar spoke last month to a standing room only crowd of C-M students and faculty, and members of the local bench and bar for the Fifty-Seventh Cleveland-Marshall Fund Lecture entitled "The Bill of Rights and our Posterity".

According to Amar, when the Bill of Rights was first written, its authors wanted it to be "the first lesson of young citizens." He said somewhere along the way, the idea that the very words of the Bill of Rights were aimed at educating people easily has gotten lost. He said it was written "for the people" and should be taught to children and to one another simply.

With that in mind, Amar has written a series of short essays on the Bill of Rights and the 14th Amendment for primary and secondary school students. He titled it "10 Short Essays For Our Posterity" and strove to make the essays alive and real for youngsters, to teach young people about the Constitution.

Amar read from the essays during his lecture. He explained that the Bill of Rights was created from a list of rights that the British Monarchy had violated as a means of defending the need for an America.

Amar discussed the idea behind the First Amendment of Free Speech, which was that in order to safeguard popular government in the long run, Americans must safeguard currently unpopular speech. He talked about the basis for the Second Amendment's Right To Keep and Bear Arms and said it was originally drafted as a right of states to bear arms against the Central government out of the fear that "when guns are outlawed only the King will have guns." He explained that over the years, the Amendment evolved into a right to bear arms by individuals against others due to the notion that when guns are outlawed only outlaws will have guns.

Following the lecture, Law School Dean Steven Smith said Professor Amar was terrific.

"One of the things our profession is not good at doing is explaining why legal rights are so important," he said. "This was a good way to explain to lawyers and law students about our rights."

Chairman of the Cleveland-Marshall Fund Visiting Scholars Program David Goshien said, "I've seen 57 visiting scholars and this young man is fantastic. Soon he will be even more famous than he is now."

*continued on page 4*

## Surviving the 1L fall from grace

by Kenneth C. Robling

It was 8:30 a.m. one Thursday morning in April, 1993 during my last quarter at Ohio University and I was hearing my father speak: "Guess what?" he asked. "You've been accepted into law school." Although it was only a voice, speaking from hundreds of miles away, I could see pride upon the face. Many of us recall the day we were told, or told others, about our admission into what has become known as the upper echelon of graduate education. We consider

ourselves among the brightest and chosen few, but only on that day, upon hearing that yearned for "You're accepted", would years of self-discipline and commitment to learning payoff. Repeated marks of excellence has placed our undergraduate egos' center stage, but finally, our intelligence is confirmed.

Then day one arrives. Anxious beyond belief, we meet our third year counterparts for the first time. We mingle, we mesh, boasting to one another regarding past accomplishments and future aspirations.

*continued on page 5*

## JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION

For 35 years, the Philip C. Jessup International Law Moot Court Competition has provided law students from around the world with the unique opportunity to plead complex and timely questions of international law. Students represent fictional nations in a mock dispute argued as if before the International Court of Justice. The competition includes teams from nearly 300 law schools from 50 nations.

This year's competition concerned the status of refugees, and involved issues surrounding the treatment of refugees under international law, the law of treaties, state responsibility, stateless people and the jurisdiction of the International Court of Justice.

The 1993-94 Cleveland-Marshall Jessup Team was coached by Professor Tayyab Mahmud and included team members Andrea Muto, Dee O'Hair and Tina Repp. There were 14 teams in the Central Region representing seven states.

Cleveland-Marshall defeated Ohio State University, SUNY Buffalo, the University of Toledo and Wayne State University in the preliminary rounds and advanced to the semifinals. In the semifinal round, Cleveland-Marshall defeated Case Western Reserve University. In the final round, Capital Law School placed first and Cleveland-Marshall second.

## Singapore, Sin Taxes and Smokers

by Les E. Rockmael  
Staff Writer

Michael Fay, an 18 year-old American has become the poster boy for frustrated Americans fed up with the justice system. For those of you living in a vacuum, Mr. Fay pled guilty in March to vandalism, mischief and possession of stolen goods in Singapore where he lives with his mother and stepfather.

For this guilty plea, Fay received a four month prison term, a \$2,215 fine and he is to be flogged six times on the buttocks with a split bamboo cane. The flogging is to be administered by a martial arts expert.

Published reports from all over the country indicate wide support for the sentence imposed. In a non-scientific poll conducted by Channel 5 (WEWS), 62% of the 13,000 calls received agreed that the punishment was fair. Officials from the Singapore Embassy in Washington also report favorable reaction to the sentencing. If that wasn't bad enough, even the Dayton Daily News reported that most residents favored the punishment. Life sure is tough when your own hometown wants to see you severely beaten for a non-violent crime.

I originally thought that ignorance about the severity of the

flogging was causing people to support this form of punishment. After all, who would support a punishment that splits the skin, sends the person into shock and permanently scars them both physically and mentally. But, after listening to radio talk shows and reading various newspapers, I realized that people are cheering on Singapore justice in response to disgust with American justice. Some people have suggested that we should adopt this form of punishment. I wonder if these people ever heard of the prohibition against cruel and unusual punishment.

For those of you in support of this punishment, I would like to leave you with some food for thought. Michael Fay pled guilty to a non-violent crime, the same can not be said of his sentence.

Singapore likes to brag about how clean their country is and how low the crime rate is. While this is true, there is a price to be paid for such a society. Singapore is a nation that does not respect individual rights.

There is no right to trial and no right to an attorney. In fact, it is alleged that the Singapore police beat the confession out of Michael Fay, and it is undisputed that he was prevented from communicating with his family and attorney for two days.

*continued on page 5*



## C-M Bible Study Group on Campus

A group of C-M students is meeting on campus to study the Bible. The group meets for discussion over a brown bag lunch every Monday at noon on the second floor of the Price Building, outside the Fair Employment Clinic Offices. The faculty adviser is Prof. Gordon Beggs.

Currently the group is going through the study book *Christian Disciplines*, published by Intervarsity Press. The study book cites to a passage in the Bible covering a particular topic, then presents questions for discussion. Topics include "Missions/Cross-cultural Ministry," "Managing Time and Gifts," and "Worship."

All are welcome, regardless of religion. For more information, call Mike Murphy at 331-4588, or Alex Nagy at 921-8545.

## Graduation Update

The Cleveland-Marshall commencement ceremony will be held on Sunday May 22, 1994, at the Palace Theater, Playhouse Square. The program will begin at 2 p.m. and should end by 3:30.

Students completing graduation requirements by Fall 1993, or Spring/Summer 1994 are eligible to participate in the May commencement. Students finishing this Spring Semester have missed the filing deadline though applications are still being accepted. The graduation fee of \$20.00 is payable at the time your application is submitted. Applications are available from the reception desk, Rm. 117.

It will be necessary for you to order your academic regalia in advance from May 2-May 13, 1994. The bookstore will have all caps, gowns and hoods for your immediate rental. You **must** stop in the bookstore during this period. The price is \$28.95 + tax. Payment to Barnes & Noble can be made by cash, credit card, check or the shirt off your back. Payment is non-refundable; no phone orders permitted.

Announcements are available at the bookstore. Rings can be ordered from Josten Rings April 25-27 & May 16-18.

Extra tickets are available for the ceremony. Please see Sandra Natran, Law Building, Rm. 125, if you would like to put your name on a list for extra tickets. Tickets will be awarded on a first-come first-served basis. These tickets will be distributed the week prior to commencement. Tickets will not be mailed.

Graduates should have received a letter with graduation information. If you did not receive this letter, or you have additional questions, see Sandy Natran, Rm. 125 (687-2354), in the admissions office area.

## Graduating law students have a final say

by Robin Wilson  
Staff Writer

You've probably heard that saying about law school, "first year they scare you to death, second year they work you to death, third year they bore you to death." Well, who better to ask if that's true than the class of students graduating May 22nd at the Palace Theatre. Here's what some of them had to say.

"Law school has been horrible but the last year has been by far the best," said graduating student M.J. Becker. She spent her first two years in law school at Ohio State and said she was "absolutely miserable for both of those years."

Becker moved home to Cleveland for a summer clerking job in 1993 and decided to finish up at Cleveland-Marshall. Becker said she likes it much better.

"The teachers are more accessible. They try to teach you the law. They are not so theoretical," Becker said. "Maybe its because I'm a third year student, but it seems that the people here are much more willing to help."

Becker said OSU was more challenging, but not academically superior to C-M. She said OSU was more rigid, much more competitive, and a truly traumatic experience.

Becker, who majored in dance and psychology at Bennington College in Vermont, said she decided to go to law school after her grandmother got sick and several legal problems arose. She said she decided then that she never wanted to be that powerless again.

Graduating student Megan Hensley said she always thought she would pursue a career in public interest law for a non-profit organization or possibly criminal law when she graduated but now that may change.

"Its staggering to look at the student loans, the bad job market, and the low salaries of public interest law," she said. However, she is still glad to be graduating from law school. She said with the market downturn, she doesn't want to panic and take the first opportunity, but she wants to make sure that the direction she takes is the right one.

Graduating student Keith Kibler said he realizes there is a concern generally among fellow students about the job market but he said he's not worried. Kibler, who graduated from the University of Buffalo, is going home to Attica, New York where he said he plans to practice in a rural community.

Kibler said he's been happy with the curriculum at C-M and has had a lot of fun during his three-year stint in Cleveland. Kibler said he thought on the whole the professors at C-M were good and added that he was lucky to have had friends to

guide him on what professors to take. Kibler said while he'll miss his friends, he's had enough of school.

Graduating student Lisa Gold said she is concerned about the job market but if she can't find a job immediately, that's a great excuse for a vacation. The Bowling Green philosophy major finishes up her job at the city prosecutor's office shortly after graduation and said she believes there are fantastic legal opportunities in Cleveland.

Gold said for the most part the professors have been helpful. She said she thinks they are distant during the first year of law school, but during the second and third year they bend a little as students gain their respect. Gold said the first major plan of action after graduation is to pay off her school debts.

Graduating student Peter Kraguljac, who at the time of this article was busy preparing to take the patent bar exam, said he wishes they would have offered more patent law classes at C-M. The computer engineer graduate from Ohio State said there was only one patent law course offered.

He said the situation is the same at other law schools because there just are not enough students interested in patent law to justify the classes. Kraguljac said his opinion of the professors has drastically varied; some have been excellent, others have been terrible. He said he believes reading cases is almost pointless. Kraguljac said he was concerned about the job market but added that he knew it would be a tough market when he started law school and he feels good about the future.

Graduating night-student Charleen Jaeb said she has a new insight into "C" students and a greater empathy for them since starting law school. Jaeb, who graduated summa cum laude from Baldwin Wallace and Cuyahoga Community College with bachelor degrees in business and psychology, has an MBA from Cleveland State and a master in post-secondary education.

"My main advice is to persevere," she said. Jaeb said if there were things she could change they would be the grading policy, the teaching methods, the way students feel, and the way professors make students feel.

Jaeb said law school is a humbling experience for many. All come in having done quite nicely in their prior education and then the school enforces that grade curve. Jaeb said she's seen a lot of students drop out, not because they are bad students but because they are too conscientious.

One graduating student who asked not to be identified when asked about law school said he doesn't know if he would do it again.

"Although the occupation is intellectually stimulating..the thought of a career in law brings out the indifference in me," he said. The student plans to practice law but eventually he hopes to go into teaching.

Last day of  
class  
May 3, 1994

## Meet the Press Moderator will be Graduation Speaker

The Student Bar Association has announced that the 1994 graduation speaker will be Cleveland-Marshall graduate Timothy J. Russert '76, moderator of NBC's 'Meet the Press.'

As a senior vice president of NBC News, Russert has attained national prominence and has become a familiar face in the political

arena, serving as a national political analyst on NBC's 'Today' program since June, 1991.

Among other activities, he has participated in the coverage of six U.S./U.S.S.R. Summits in Geneva, Malta, Washington D.C., and Moscow. He is a member of the bar in New York State and the District of Columbia.



Those

# Fabulous Follies

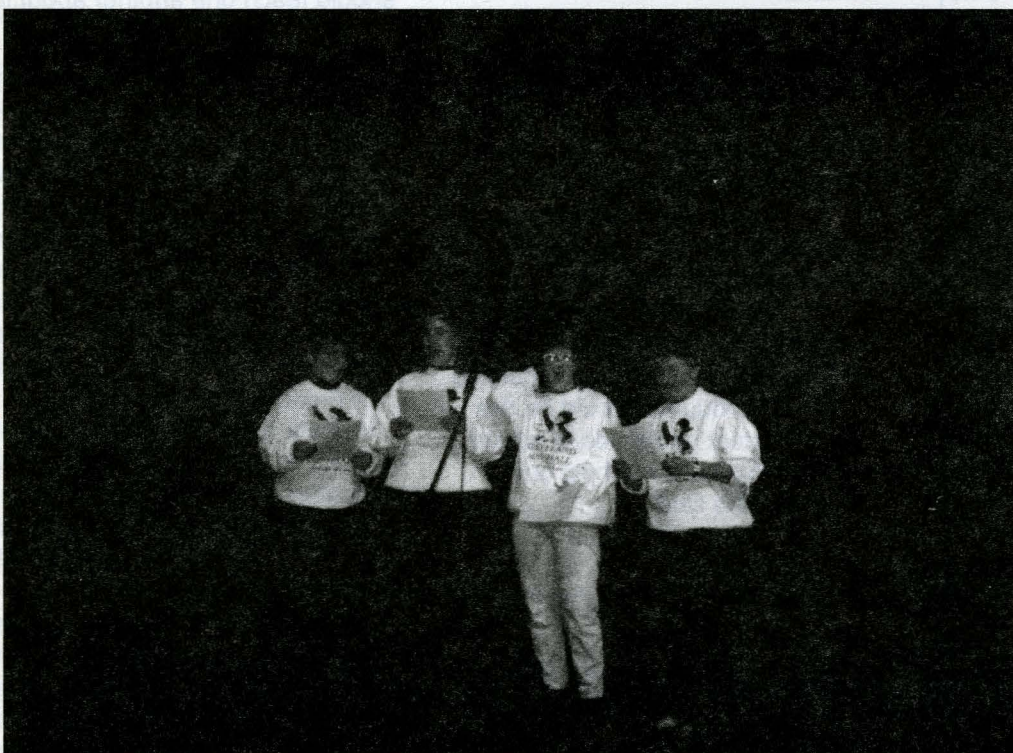
## TOP 10 REASONS WHY PROFESSOR WHITE DOESN'T ALLOW HATS IN HIS CLASSROOM

10. If the class gets to see his baldness, he should be able to see the same of his male students.
9. Because the hats seems to make the students that much taller.
8. It makes it more difficult to see whether students are falling asleep during lecture.
7. Had a bad experience as a child with Dr. Seuss, and doesn't like cats either.
6. Never subscribed to the superstition of putting on your thinking cap.
5. All caps, baseball and otherwise, bring back memories of his youth when a serious knee injury robbed him of his major league dreams forcing him to opt for a career in law.
4. Wanted to be known for something among the student body, but the "kicked out of class if you're not prepared" idea was already being used.
3. Power trip.
2. Chicks (sic.) enjoy a man with a power trip.
1. His is still being worn by "Bubbles" down at the Crazy Horse.



Stephanie Conde assists Dan Nealon as he juggles, jumps rope and rides his unicycle during his act "Juggling Law School & Other Related Objects". Law school is a parable.

There will be an encore presentation of the Fabulous Follies (via videotape) on **Tuesday, May 3, 1994** at 3:45 p.m. and 6:00 p.m. in the Moot Court Room. A \$2.00 donation will be accepted at the door which will go toward the SPILO scholarship fund.



SPILO members perform the C-M versions of Gilligan's Island and Green Acres. From the left: Karen Popovich, financial aid; Wendy Leffler; Kate Curera; and Karen Hamilton.

## TOP 10 REASONS WHY PROFESSOR GOSHEIN DOESN'T WEAR A TIE

10. The clip broke.
9. It's still being worn around the waist of "Bubbles" down at the Crazy Horse Saloon.
8. Farnsworth never did.
7. He's afraid of being lynched by his students.
6. Reptiles don't have necks.
5. Fear of cutting off much needed oxygen to his brain.
4. Think about it. The man wears sandals. If he can't tie shoe laces, how is he supposed to pull off a double windsor?
3. Got really lit at an undergraduate luau party while in college and can't bear to utter the words "Need my tie" in the morning.
2. Thinks it makes him too unapproachable to his students. He just wants everyone to feel comfortable with him and in his class. Especially first years.
1. Clashes with his crown!



# First Year Students Speak Out

by Robin Wilson  
Staff Writer

Well the first year of law school is drawing to a close. All that looms ahead are those dreaded finals and then freedom for the Summer. With only weeks left in their first year of law school, we checked in with some of the students to see how they fared and what they are thinking as they finish up the year.

Bill Mangano said he's been happy to see a lot of emphasis placed on the practical versus just the theoretical background of law. Mangano came to C-M with a political science degree from Boston College and a year of practical experience from working with North East Ohio Legal Services in Youngstown.

"From day one the teachers have been willing to help out and listen to students' problems," Mangano said.

He said law school has been competitive, but the competition hasn't gotten in the way of students helping one another.

"Everyone wants to do well but they are still willing to give a helping hand," Mangano said.

Another first year student who asked that her name not be used said the competition is one of the things that bothers her the most about law school. She comes to C-M with an undergraduate degree in psychology and will receive her Master's degree from Harvard in November.

"Psychology is a caring field so the adjustment to law school has been a difficult one," the student said.

At times, she said the pressure of it all is too much. She said talking out the stress with a fellow-psychologist has helped her through the year.

Another first year student who also asked not to be identified said overall he has liked the first year of law school and has found it to be a rigorous program.

His major concern was C-M's grading policy. He blamed it for the fact that C-M graduates are not as marketable as graduates from other schools such as Case and Ohio State where grade inflation is dominant. He said that a modified grading policy at C-M which still

reflects the true academic accomplishments of the students would suffice.

As for the professors, the student said, they have been "basically what I had expected." He said a student has to be ambitious enough to seek out help.

Susan French-Scaggs had worked as a real-estate tax law paralegal for years when she came to law school with an undergraduate degree in accounting. She said law school is not what she expected. She said she thought students would learn more Black Letter law and added that she doesn't think "reading case after case is the best way to learn law."

French-Scaggs said professors should just cut to the chase and concentrate on one or two major cases which describe the most important issues. One of the things she liked least about law school was the Socratic method of badgering people who may be somewhat confused.

"After all, we are tuition paying adults," she said.

French-Scaggs said she most enjoyed the mental stimulation and the productive classroom discussions. She said that on the whole had been a good first year but she would be glad when it was over.

Another first year law student who asked not to be identified said his first year of law school had been a "total shock to my system." He said after being out of "serious academic work" for 14 years, law school has been overwhelming and challenging. He felt he made quantum leaps since August, however, when he felt totally clueless.

The student said he'd like to see the school focus more on the advocacy element of law and he wishes the professors would spend more time applying case law to fact situations.

First year student Laurie Klopfer took a year off after graduating from the University of Connecticut with a degree in public policy to earn money before entering law school last fall. Klopfer said she didn't want to be a lawyer, but wanted a legal education so she could apply it elsewhere.

Klopfer said she went into law school thinking it was going to be much worse, and because of that

she believes it has been easier than she thought. She said some people take law school too seriously and are too competitive while others don't take it seriously enough.

First year student Maria Flask, an English major from Youngstown State, said she came to law school, after a year off for traveling, terrified and thinking the worst. She said she's been glad to find that law school wasn't so bad and added that she's learned from trial and error.

Flask said good study partners have really helped, and many and have become good friends. Flask likes the professors on the whole and finds them to be "accessible to the students." She said she thinks they are nice although they don't come off that way in the classroom because they "try to live up to the stereotype." She said that's good, however, because judges won't hold your hand in a courtroom so the professors should get you prepared.

First year student Wayne Johnson, an English major from Penn State, said it "really depends on what day you ask me" as to whether he's happy to be in law school. Johnson said the curriculum is not actually hard but takes a lot more discipline than undergraduate school. He said the professors have been nice and not stereotypical like they're portrayed in the media. He said, they are not "too lofty" and "for the most part they are good."

First year student Laquita Davis earned her undergraduate degree at Tougaloo College in Mississippi, with majors in Economics and Business Administration. She then earned an MBA from Jackson State University before attending a law school forum in Atlanta.

Davis said she wasn't planning to come north but really liked what C-M seemed to offer.

"I like C-M, the professors and the students. It has a friendly atmosphere," she said.

Davis said she doesn't think law school is hard work, but that "there is just so much of it."

First year student Cheryl Lane said law school has been nothing like she thought it would be.

"I thought it would be this place of great camaraderie where people would want to help one another," she said.

## Lessons of Liberty

continued from page 1

Second year student Claudia Sanjour who attended the lecture said it was great.

"His focus with making connections between different Amendments is important," she said.

She said she believes Amar is trying to speak to Supreme Court Justice Antonin Scalia who is so caught up in the words of the Constitution. "He tries to breathe life into principles Scalia is trying to ignore by sticking to the text. That's the most important thing a lawyer can do."

Second year student David Seed said "Professor Amar has been called one of the leading scholars of our time. It was a distinguished honor to hear him speak. He wants to bring awareness and discussion on the Bill of Rights into our public discourse in a way that only has been done by law school professors and other academics who have argued from technical and political extremes," Seed said. "It's great that he wants to make it understandable and bring debate to the people."

First year student Ian Rice who also came to hear the lecture found it interesting.

"I was happy to get a chance to listen to someone who has done so much writing on the topic," he said.

Amar received his B.A. degree summa cum laude in 1980 from Yale College where he was elected a member of Phi Beta Kappa. He received his J.D. degree in 1984 from Yale Law School where he was editor of the Yale Law Journal. He became a Professor of Law at Yale Law School in 1990.

At the close of his lecture Amar said the Preamble to the Constitution says that the Constitution exists in the name of the people.

"We the people," he said, "should teach one another about it."

**"Silly Rabbit, Testatrix are for kids!"**



## Singapore

continued from page 1

Fay is currently awaiting word from Singapore President Ong Teng Cheong on a clemency plea.

On to another topic that burns my butt. (Pardon the pun) The Cleveland Indians recently announced that smoking would be banned in the seating area at newly opened Jacobs Field. Smoking is limited to six concourse areas which "generously" contain television monitors.

There are several reasons that this decision burns me up. First of all, half of the cost of this stadium is being provided over a fifteen year period courtesy of a 4.5 cents "sin tax" on beer and cigarettes. Don't tell me my tax dollars are good enough to build the stadium but I can't smoke in my seat.

Second, this is an open air outdoor stadium. I have no problem with banning smoking in an indoor arena. Most indoor arenas have lousy ventilation systems and it would be hard to breathe and see the players from the smoke mushroom cloud that would envelope the playing field. At Jacobs Field the smoke will quickly dissipate causing negligible discomfort to most people. Besides, Cleveland air is certainly not the most aromatic in the first place.

The Tribe also justifies this policy claiming it will help to draw more families to the games. If this were true, why not also ban drinking at the games. After all, I don't think a family atmosphere is enhanced by a vulgar, obscene fan who is zonked out of his brain.

Have you ever tried going to a bathroom at a stadium only to realize that there is more urine on the floor than there is in the urinal itself? Not a pretty site or smell, is it?

Beer sales also won't be banned due to the amount of money it brings in at the concession stands. When you gouge people for \$4 a beer and you have 40,000 fans at a game, the revenues can reach astronomical proportions.

If nothing else, the policy should have been announced before tickets went on sale and almost 2 million tickets were sold. While I concede that even the most ardent smoker will probably still go the game in spite of this smoking policy, smokers should still have had the option to make an informed decision before purchasing their tickets.

I look forward to going to my first game at the new stadium on April 25th. I can already imagine the end of the game announcement that you hear when leaving the stadium.

"Thank you for attending smoke free Jacobs Field, we hope you enjoyed the game and plan to come again. We wish you all a safe drive home and hey- watch out for those drunk drivers."

## Surviving the fall

continued from page 1

We know each other in spirit. After all, we have just exhausted the same tiresome process: studying, getting the grades, taking the LSAT, getting letters of recommendation, mailing the applications in on time, and finally, waiting by the mailbox. Here we are at the starting line, and we are ready.

As the weeks roll by, what began as a feeling of equality and self-fulfillment transcends into an aching desire to outshine. We hear talk of Law review and Moot Court teams, swiftly realizing that only a few students will make the cut. We learn from 2L's and 3L's, through bemused voices of condescension, that first year grades are the gauge. They advise us to secure the marks now, on account that A's later will go unnoticed. At once, it becomes painfully evident that prior achievements and grade point averages are valueless, for we would need to prove ourselves once again.

Now, with anticipatory anxiety, we tackle midterms. We try not to turn the experience into a wake. Too late, panic intercepts.

Before we catch our breaths, it's over before it begins and we force-feed ourselves feelings of averageness. Then grades are posted and we commence hyper-ventilation. Do we look? We do, and the ground beneath us gives away, and suddenly we are falling, leaving fragments of intellectual reasoning behind. The speed continually escalates as others ask that far from unique question: "Well, how did you do?"

You tell yourself you will not be held responsible for what happens to the next person who dares to ask. Few are proud of the results. Some even lie. And why? Is it not true we sit here today simply to learn the law, all the while enriching ourselves with convictions of justice? If so, why do we torture ourselves with the thought of making the top 10?

Perhaps we should remind ourselves that no longer are we competing with undergraduates, some of which are coerced to endure higher education by their parents. As law students, we now

compete amongst some of the brightest students in the country, all of us sharing that gifted talents. Maybe we seem to forget that most law applicants are rejected, having never been given the opportunity to experience the unrivaled agony that we have chosen. Therefore, when we stop doubting our intelligence on competitive grounds we experience a moment of clarity - we have already made the cut.

So remember, whether or not we make Law Review or Moot Court, we are bright, we are disciplined, and we are worthy. As we look around our first year classes we watch some students master, while others pull through. We observe our comrades sleeping or daydreaming as some hapless student is forced to state the case. Nonetheless, we find safety in numbers and smile. We must cast away feelings of averageness and realize that inside these rooms reeks an undivided brilliance. For the First Year race is one of single file, the first in line no better than the last. And we are all the better for having held out until the finish.

**COME ONE! COME ALL!**

To the 1994 OSBA Annual Convention in Cleveland, May 18-20 at the Stouffer Tower City Plaza Hotel. **OSBA student members can attend FREE\*.**

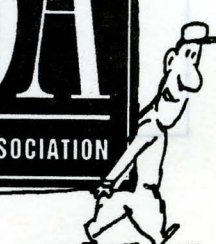
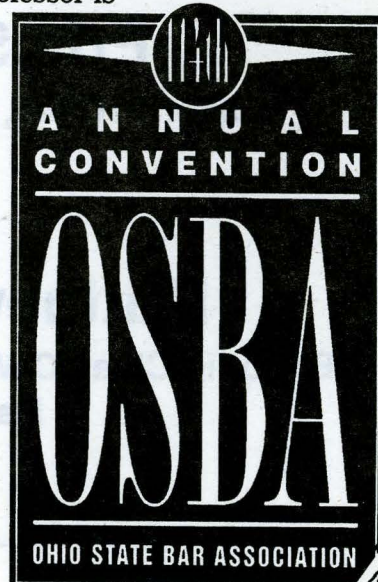
If you're not already an OSBA student member you can join for only \$25 per year. Simply call our Membership Services Dept. at (800) 282-6556 (487-2050 in Franklin County) to request a membership application.

Highlights of this year's convention include:

- Seminars on the areas of law in which you are interested.
- Opportunities to meet practicing attorneys at social events\*. Cleveland Mayor Michael White will kick-off Thursday's luncheon along with Thomas Chema, Executive Director of Gateway Corporation. Arthur Miller, noted Harvard law professor is scheduled to speak at Friday's luncheon.
- Visit the exhibit hall and enter drawings for a weekend stay at the Greenbrier Resort, a trip to Puerto Rico, as well as other valuable prizes.

\* Luncheons and other social events require payment.

For more information call Mardy, at (800) 282-6556 (487-2050 in Franklin County).





# 'Judge Blackmun, The President says you are a Strict Constructionist'

by Jon Sinclair  
Staff Editor

Perhaps Ike just didn't do his homework. After all, no one ever accused Dwight D. Eisenhower of ever over-working himself. No other President is known for taking as many vacations and days off while in office. Maybe this explains why this Republican President, known for his philosophy of government restraintism, nominated Earl Warren as Chief Justice of the U.S. Supreme Court.

At Ike's press conference in 1953, when a reporter asked Eisenhower what he was looking for when he chose Earl Warren, Eisenhower mustered that, besides Warren's young age, he had chosen him for his "middle-of-the-road philosophy..."

Perhaps Eisenhower could have used a Stephanopoulos on his staff to do some background research, because while it is true Warren was a Republican governor (California), he had been known in the latter part of his term as one of the more liberal Republicans in the state.

But don't chalk it up as a single momentary lapse of reason on Ike's part. It happened again in 1956. Maybe Ike was relaxing on a beach in Naples and his attention was distracted when this Republican made his other interesting appointment, none other than William J. Brennan. Evidently, Eisenhower was not a fellow you send to the horseraces with a lot of money.

Knowing this, one might think our former Republican President Richard M. Nixon had an ominous premonition in 1970 when he picked out Federal Circuit Judge Harry Blackmun. After all, guess who nominated Justice Blackmun to the federal circuit in 1959? You guessed it, Mr. "I Like Ike" Dwight D. Eisenhower. For a conservative, he knew how to pick 'em.

Yet conservatives can't blame it on Nixon either, as it is commonly known that prior to his appointment to the Court, Blackmun was known as a conservative leaning judge, tending to deny defendants' constitutional claims. In fact, during his first term on the Court he voted with Chief Justice Warren Burger 89.1% of the time. Furthermore, all the right questions were asked of Blackmun during his U.S. Senate nomination hearings in 1970.

**Senator Philip A. Hart (D-Mi):** "Judge,...what do you think the President [Nixon] means when he says he is looking for...a strict constructionist?"

**Judge Blackmun:** Senator Hart, I suppose--I do not mean to sound facetious--I suppose the President would be the best man to answer that. . . . All I can say is when one has been on the federal bench for a decade, his record is there. It is in the open. . . . Now, how some would interpret that as a strict constructionist or as a loose one I do not know. I can say no more than that."

Conservative Senator Strom Thurmond (R-NC) didn't even want to ask Blackmun the question. He was bitter because two southern judges had just floundered terribly in the nomination process, faster than you can say "Bork" or "Zoe." Senator Thurmond had only one comment, no questions.

**Senator Thurmond (R-SC):** "Judge Blackmun, I am glad that President Nixon has characterized you as a strict constructionist, because even a Supreme Court justice is narrowly constrained by the intent of the framers of the Constitution and by the intent of Congress in making our laws. If this were adhered to in every case, there would be no need to worry about balancing the Court since the question of liberalism and conservatism would not arise. Judge Blackmun, . . . I trust and believe you will accept the Constitution . . . as the rule for your decisions. I have no questions."

But one of the final questions asked of Justice Blackmun in the Senate Committee Chambers was the most mysterious. Most likely, the question concerned the Warren Court and its activism. At the time of Blackmun's questioning, Chief Justice Warren had just recently retired, in June, 1969.

**Senator John McClellan (D-Ark):** "[I]f you find the powers attempted to be invoked [by the Court] have in fact not been delegated to the Federal Government by the Constitution, do you believe that the Supreme Court has either the duty or the right to usurp, attempt to confer or apply such powers by court decision or edict which would have the effect of or be tantamount to amending the Constitution of the United States?"

**Judge Blackmun:** "Senator McClellan, the answer to that is definitely in the negative, of course."

Did the Senator really expect Blackmun to say "Yes"?

Today, with Blackmun's recent retirement closely following his painful revelation on capital punishment, one feels uneasy reading an exchange which took place 24 years ago in the Senate Chambers.

**Senator Hiram Fong (R-HI):** "I believe you stated that it might well be that the Supreme Court might say that the imposition of capital punishment would be a very cruel thing; is that correct? It would be cruel and unusual punishment, under the Constitution. Did you make that statement?"

**Judge Blackmun:** "...I made that gratuitous observation which has caused so much furor, that it was particularly excruciating for one who is not convinced of the rightness of capital punishment as a deterrent in crime. This, Senator Fong, is a personal conclusion on my part. It is a part of personal philosophy."

It was a personal philosophy which Justice Blackmun wrestled with for the next 24 years, voting for the death penalty in a 1972 case and against it in a 1977 case. Finally, just before retiring in March, 1994, he announced he could not and would not support it again.

## CONGRATULATIONS!

**Eric Spade**

Editor in Chief, C-M Law Review

**Matthew Alden**

Editor in Chief, C-M Journal of Law and Health

## International Law Society 1994-95 Officers

President: Michael Wilson

Vice President: Cheryl Lewinski

Secretary: Tina Repp

Treasurer: Ted Amata

Special U.N. Liason: Boutros Boutros Gali

## Moot Court Team Members

Matthew Alden  
Sean Beckstrom  
Sandra Clark  
Kyle Crane  
Rodney Davis  
Brit Dietrichs  
Michael Fanning  
Lynn Grabiak  
Karen Hamilton

Bruce Hodge  
Lisa Krzanowicz  
Cheryl Lewinski  
Stephen Mennella  
Victoria Nagy  
Benita Render  
Jennifer Sorce  
Ann Marie Stockmaster  
Darrell Tyburski



TO DRINK OR NOT TO DRINK:  
WHAT WAS THE QUESTION?

by David Bentkowski  
Staff Writer

While at a bar last week, I realized that my message of sobriety had not quite taken hold, yet. Therefore, keeping with my running theme of free advice to my fellow students, I offer the following thoughts about drinking.

Now don't get me wrong, I have nothing against beer drinkers. If I did I would be spending a lot of time calling 1-900-numbers while whispering, "I love you" to my hand. Okay, I admit it, a lot "more" time calling. The truth is, I love beer drinkers. It is because of my love for them that I am going to share with them some of the benefits I enjoy by not drinking.

For starters, we have the wee-wee factor. That's right, kiddies, the wee-wee factor. Now, I'm not sure how the gig works for girls. But, for you guys out there, think of the countless hours you can save by not having to stand - somewhat - with your head tilted back, wondering when your own Mighty Mississippi will stop flowing. I've had to go so bad sometimes that I almost had enough to spell out Bentkowski.

Not drinking will also improve your vision. Or, more importantly, your perception of what you are seeing. Boy, if I had a video camera and was able to film some of the new-found princesses my friends have had at bars, I could make a million bucks in blackmail money.

I encourage everyone, dudes and dudettes alike, to not, I repeat, not "drink till they're cute". And don't ever loveshack up with someone who you thought looked good through those patented beer goggles of yours. If you think I am kidding -- ha, ha, my friend -- then imagine the phone ringing on Saturday morning and it's the charming voice of your new, 300-pound, pizza-faced, psycho belle from hell telling you that you are going to be a daddy.

Ga-ga-goo-goo. (I'll pause a minute to let the guys regroup and get this ugly thought out of their minds.)

Or, for you ladies, imagine the joy you'll have in your hearts knowing that you failed your pregnancy test - you know, the one you didn't have to study for - thanks to some guy who goes winkie-tinkie when he sees a sign that says, "Wet Floor". AHHHHH. Can't you just picture yourself at McDonald's on Mother's Day with a corsage going, "This is the answer?" "Huh, huh, huh. Stick with me babe, we'll go places." Yeah, like bingo, Wendy's and the race track. Ladies, you can do better.

There are many ways that not drinking will improve your health. Think about it. Guys, you won't have to worry about forgetting to put on that little rain coat because you're drunk. That way, you will be less likely to get that little public service message from God known as AIDS.

Also, think of all the bar fights you can avoid. I can't tell you how many times I have seen someone get into a fight because of the new-found bluntness he received while drinking. For example, it was the influence of alcohol that once prompted my roommate to tell a rather plump girl with a Guess T-Shirt on that his guess was about 250 pounds. Although he was in the neighborhood - a neighborhood in which she could have covered several blocks - he was still a little to honest for what most would consider appropriate. The resulting brawl left several injured, including myself. You see, I was the unfortunate one who the well-fed princess fell onto during the scuffle. I still have trouble breathing 'till this day.

So please, I urge all of you to be more careful. I'm not saying don't drink. I am saying drink only what you can handle. And, although I am his biggest fan, don't take Jimmy Buffett literally when he sings, "Why Don't We Get Drunk and Screw?" And, if you must, then do it with someone whose name you know.

New SBA  
"Faculty Evaluation Form"  
draws criticism from  
professors

by Jon Sinclair  
Staff Editor

A handful of professors have expressed dismay over the new faculty evaluation form which was recently revealed by an SBA ad hoc committee. Although some professors have informed Dean Smith that they are unhappy with the new form, none accepted an invitation to meet with the ad hoc committee during the form's drafting stage.

Rose Fini, SBA Senator, says she is disappointed because the criticism is occurring after the school has already printed 6,000 of the new forms. Only one professor offered feedback to a draft of the form that was sent April 7 to all faculty members. Concerned professors also failed to contact SBA after the revision project was announced during a faculty meeting last semester.

Although some professors object to the new form, others professors believe the matter should be left up to SBA. Said SBA Senator Rose Fini, "Some professors told me they don't have any problem with the new form, and that SBA should have made the changes without consulting the faculty at all."

The new evaluation incorporates a number of new questions and a computer answer sheet, which will be used to compute averages and means by

the CSU data services center. The CSU undergraduate school and many of the graduate colleges currently use a computer answer sheet in this manner.

Once all of the data is tabulated from evaluation forms, SBA will publish a reference source that will summarize the results for each particular professor.

Professors who object to the form question the validity of mathematically based evaluation results and the order of questions, according to Dean Steven Smith. "Perhaps two to five professors will choose not use the new form, which is their prerogative," said the Dean.

The new form is modeled after evaluation forms from the law schools of Harvard University and Georgetown University. SBA solicited comments from students last semester during the revision process and received about 55 responses.

Universities often utilize and consider faculty evaluations when making tenure decisions. At Cleveland-Marshall, a faculty committee considers evaluation responses when making tenure recommendations to the CSU Board of Trustees, which is the ultimate arbiter of C-M tenure decisions.



Marino's Haircutting

The Difference... Personal Service

Across from the Law School

Special Student Prices

Mon - Fri:  
9:00 a.m. - 5:00 p.m.  
Appointment Appreciated

1818 Euclid Avenue  
Cleveland, Ohio 44115  
(216) 861-6044

CROSSW RD® Crossword

AL	EN	E	B	O	P	C	L	A	M
HE	RE	S	I	N	R	I	A	U	T
AN	GS	T	LE	O	N	S	C	O	T
BO	OT	H	I	L	L	A	W	H	I
	LE	I		M	O	T	H	B	A
S	I	B	E	R	I	A	B	R	I
U	T	A		F	I	R	E	P	O
FO	R	T		AR	N	I	E	K	I
FR	I	E	D	R	I	C	E		R
			MA	S	C		N	O	S
S	N	A	P	B	E	A	N	F	A
T	A	R	T	A	N		O	F	F
R	I	D	E		AB	B	A	Y	A
OV	E	R		L	I	E	D	E	L
P	E	N	S		OL	E		R	E

0009



Alumni Profile

Sheryl King Benford

by Jon Sinclair  
Staff Editor

**Position:** Shaker Heights  
Director of Law

**Education:**  
J.D., 1979, Cleveland-Marshall;  
M.S.(Education), 1975, University of Akron,  
B.S.,1971, Wilberforce University.

**Age:** 46

**Former Positions:**  
Asst. Director of Law, City of Cleveland; Associate Counsel, Greater Cleveland Regional Transit Authority; Private practice, Bailey, Benford & Associates, Assistant Dean of Admissions and Student Affairs, Adjunct Instructor in Legal Writing and Oral Advocacy, Cleveland-Marshall College of Law; Teacher and Principal, East Cleveland Schools.

**Community Involvement:** Past-President, C-M Law Alumni Association Board of Trustees; Founding Member & Trustee, Ohio Women's Bar Association.

**On the duties of a Law Director:**  
My job is to defend the city. The legal work of a law department encompasses a wide range of issues - labor law, tort litigation, contracts, constitutional issues, zoning - everything that touches a citizen's life.

**Memories of Cleveland-Marshall:**  
I was a night student, when the school was located in the Chester Building [where students now get parking passes]. I distinctly remember that it was a very structured life. When I began in September, 1976, I worked as a principal for East Cleveland Schools from 7:30 'til 4:30. I would go straight to the law school after work, get some pop and chips, and would then review before class. After class I would usually stay in the library until closing. Then I would go straight home, sleep, and get up the next day to do it all over again. I half-joked to my family, 'Maybe I'll see you for Thanksgiving and Christmas - that's about the best I can do.'

I had a great deal of respect for those students with spouses and children. With my schedule so tight, I could hardly believe someone could manage it with kids.



**On Professors:** My most memorable experiences are from classes with Professor David Forte. We came from very different philosophical backgrounds, which made for stimulating and spirited debates.

I've also had the opportunity to hire my former professors. I once hired former professor Stephen Landsman to work on a project for this law department.

**Advice to First Years:** Too many students get distracted by individual cases and fail to see the general framework, or the 'big picture'. I encourage students to read something else besides the casebook, such as hornbooks or law review articles. Develop a comfort level with the themes in each subject area and worry less about memorizing the individual cases.

Immerse yourself in the material; discuss it with others and think about it. And don't be afraid to engage professors outside of class.

**Advice to women entering the legal job market:** My advice for women would be the same for men: Offer something besides just law school credentials - show that you are willing to work hard.

Also learn to recognize opportunities when you see them. Broaden your job search and be flexible - be willing to accept positions which initially do not seem so attractive.

Library Hours

March 26 - May 3	
Monday - Thursday	8:00 a.m. - midnight
Friday	8:00 a.m. - 8:00 p.m.
Saturday	9:00 a.m. - 8:00 p.m.
Sunday	11:00 a.m. - midnight
May 4 - May 19	
Monday - Thursday	8:00 a.m. - midnight
Friday	8:00 a.m. - 10:00 p.m.
Saturday	9:00 a.m. - 10:00 p.m.
Sunday	11:00 a.m. - midnight
May 20 - 30	
Friday	8:00 a.m. - 6:00 p.m.
Saturday	10:00 a.m. - 6:00 p.m.
Sunday (Graduation!)	11:00 a.m. - 6:00 p.m.
Monday - Thursday	8:00 a.m. - 7:00 p.m.
Friday	8:00 a.m. - 6:00 p.m.
Saturday	10:00 a.m. - 6:00 p.m.
Sunday	Closed
Monday (Memorial Day!)	Closed

International Law Society  
European Internship  
Program

Two Cleveland-Marshall students will travel to Europe this summer for internships in Oslo, Norway and Vienna, Austria.

The internships were made available to C-M students through the International Law Society's participation in STEP (Student Trainee Exchange Program). STEP is run by the International Law Students Association in Washington, D.C.

C-M's International Law Society located four internships in Cleveland for European students. Three of those students will work at the law offices of Daniel T. Todt & Associates; one student will work as a research assistant to a C-M professor. All of the European students who applied to work in Cleveland were from Germany.

In return, C-M students were offered positions at European law firms in Norway, Austria and four in Germany. The student interns will be partially compensated, but must provide their own transportation to Europe and housing. Unfortunately, no students applied for the German positions in

Munich and Wurzburg, presumably because the firms required German language proficiency.

The internships varied in length from two to twelve weeks. Compensation ranged from about \$500 to \$1,000 per term.

Four students applied for the positions in Norway and Austria. Their applications were sent to the law firms this month; the European firms will select a C-M student from those applicants in the next few weeks.

Students who are interested in applying for European internships next year should contact the new International Law Society officers for 1994-95. The officers will probably organize a committee to oversee the operation of STEP.

Third-year students are eligible to participate. All applicants must be a member of ILS to apply.

The process begins in the fall, when C-M's ILS must contact law firms who in turn must agree to hire a European law student. Any positions offered to C-M students are contingent upon local firms taking on European students.



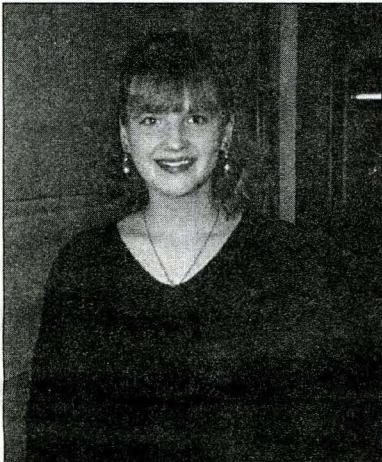
# Letters from the Front Line

By Kim Lloyd

I teach a high school class as part of C-M's Street Law seminar at West Tech High school, at W. 93rd. It was at this school that a student was brutally stabbed by a classmate in March. Allegedly the victim was suffering retaliation for having bumped into his perpetrator earlier that day.

More recently another student was jumped and beaten by a group of boys solely because he was the first person of his color to exit his classroom. I thought it would be helpful to find out my student's thoughts and feelings on this senseless racism and violence that pervades their lives. Below are their responses.

I am certain that the only solution to all of these problems is through education. Cleveland-Marshall Law students can utilize the Street Law program to build more bridges than walls with these teenagers and put an end to senseless racism and violence.



Carrieanne Knudsen

**by Carrieanne Knudsen**

The idea of putting metal detectors into every school is an appealing one, especially in light of the violence that occurs everyday in the buildings. But, when faced with reality, you will discover that although it is appealing, it is not practical. The cost of installing them is phenomenal. Is that worth a child's safety? Even if it can't be guaranteed?

**by Gary Nolan**

Kids are stupid about watching something on a movie or a show and then going out and trying it. People have to realize that the movies and T.V. are fake and should not effect the kid or person. It is simply entertainment.

**by Lisa Pasquarelli**

Racism. What is racism? How does it affect our day to day lives? These are some of the questions that teenagers don't often ask themselves, but should.

Sometimes a person will hear of or see a person a different culture or race getting into trouble or doing something very wrong, like stealing or shooting or something along these criminal lines and that turns that person against everyone of that race. That is wrong. Everyone (or people) of every race does or will do things like that. I don't mean everyone is bad, I mean people or persons of all races, if they are going to, they will commit a crime.

If everyone were the same there would be more arguments because everyone would get tired of everything and there would be nothing to learn about people because there wouldn't be any kinds of cultures. When you have friends from different cultures

it makes your friendship special. This is because you get to learn about their beliefs and traditions.

Teenagers today feel that they have to stick with their own race. But really we all have to stick together, there are many other important things that people should worry about.

**by Marca Morgan**

How do these teens get in gangs? That is a question asked by people who do not have much knowledge about gangs. Gangs have become a fascination among teens. They are fascinated by gang hand signs, colors, and generally how gangs are understood to be.

In order for a person to be a member of a gang, they would have to be initiated. For the initiation, a person would have to fight one or more members of that gang. For girls to become a member of a gang, they would either have to fight one or more members of a gang, or have sex with a certain number of gang members. Like clubs, gangs have rules and violations. If a member violates a rule they are punished in certain ways, such as getting beaten up by other gang members.

The things you can do to prevent getting into a gang or doing gang activities: 1. play sports, 2. watch T.V., 3. go to the mall, 4. talk on the phone, 5. hang out with friends (who are not in a gang), 6. go to the movies, 7. other non-gang interests.

**by Justin Snyder**

Teen violence is a rapidly growing problem in the United States, and violence on television is majorly at fault. About ninety-eight percent of television shows are violent. The glorification of death on television is getting out of hand. When a child or a teenager watches a show where a man shoots several people and gets away with it, and is sometimes even made to be a hero, then that child gets a sense that killing, robbing, burning and stealing is good. These actions, in the child's mind, will make them a bigger, smarter and more feared person. This is simply not true.

Bloodshed and pain is glorified on television and children who watch these shows become violent and sometimes even turn out to be killers before the age of eighteen. Back in the 50's, 60's, and early 70's a majority of shows were not violent at all and teen violence was not as big an issue because children were not influenced by the killing and other violent crimes on television.



James Knott

**by James Knott**

I think that teens should be tried as adults because the crimes teens are committing today are real harsh like robbing, killing, jacking, drug dealing, arson and much more.

Most judges give teens a clean break for about six months to a year and I think that is just "going out of town" time. Teens should be tried as adults because they need to know what the real jail is all about. When teens realize what they did they start to change and try to when they know they won't see the streets again. Most teens don't realize you do the violent crime and you will have to do hard time.

The ones who do violent crimes should be the one's doing '10 to 20' or '25 to 30' or 'life', depending on the crime. Just like the two 15 year olds who purposely set fire to a little girl in Elyria, Ohio. But some teens don't do violent crimes and I think they should get small sentences.

**by Alexandra Vera**

I think metal detectors are not the answer to stop the violence in our schools. It may help a little bit, but some students will find ways to bring their weapons to school anyway. The answer to stop violence in our schools is to have security guards that care about students safety. There should also be programs that help student understand about people's identity and teach them to try to talk it out instead of hurting the other person. Maybe then our youths wouldn't have the need to resolve problems with weapons and there wouldn't be a need for metal detectors.



Melissa Hughes

**by Melissa Hughes**

There are many crimes being committed by teenagers, even being committed by eleven and twelve year olds. These crimes are adult crimes, such as rape, murder, assault, etc. A lot of these kids think that because they are young, they will have no real punishment. The think, "hey, I'll just go to the detention home and that's that!"

These kids shouldn't commit these crimes, but they do. If they want to go ahead and murder someone or rape someone they should pay the price, just like adults do. We punish adults that commit these crimes, but we won't punish children and teens? No one has the right to take a life or violate someone's rights, not even a kid!

If a person is old enough to commit a crime, they are old enough to go to jail too. If you are 13, you know exactly what you did.



Sherry Fan

**by Sherry Fan**

Children love to watch cartoons. When little children see cartoon characters smashed by tables and chairs and shooting each other and the next day see that cartoon character come back to life, they get an unrealistic view of death. When these same children become teenagers they see movies with a lot of violence. So, the teenagers may think if the characters in the movies can do violent things, why can't we?

**by Areej Kahoush**

Why is it that violence and sex are in such a great demand on T.V., but when it happens in reality people wonder why?

Why is it so important these days to have a T.V. and watch it? Why don't parents encourage their children to have other hobbies or enter any activities or do something together as a family?

If teenagers were more interested in sports, hobbies and other activities, then there would be less teenage violence and more camaraderie. Camaraderie is what we need and what will help us overcome teenage violence.

**by Denise Gravely**

Kids committing crimes should be convicted for the crime. They only do the crime because they know they won't get charged as seriously as adults will.

## Street Law opportunities for C-M students

To participate in the Street Law program, contact Dean Elisabeth Dreyfuss at 687-2352 or Pam Daiker-Middaugh, 687-6678.

Students can earn 2 credits for teaching area high school and middle school students issues of practical law.



# The Indians

by Patrick Langhenry

On the day the Indians and most of Cleveland celebrated the house warming at the new Jacobs Field, there was a highly visible, yet little publicized group of protestors. Now I am keenly aware protesting is presently scorned despite the rampant political correctness which abounds, but why is it that the objective press gave so little time to the Native Americans and some other passionate protestors? Yes, these protestors may spoil some of the celebration for the new ballpark, but why should our local press be so afraid of covering the reasons for the protests? By avoiding a topic that may be unpopular, the area press further separates any reasonable discussion between protestors and Chief Wahoo lovers.

There was some token coverage about the protest at both opening day and the opening of "Major League II," but not once did I hear any explanation of why these protestors are suddenly vehemently upset about a mascot that has been around all my life.

It was not hard for me, and it could have been even easier for a reporter from an area news channel. I simply approached what looked like a Native American to me at the opening of "Major League II" at Playhouse Square.

I approached this man with tan, not red, leather like skin, and asked him for a statement on why people-I saw as many white people protesting as Native Americans during Wahoo Winterfest-were protesting mascot names which referred to Native Americans. He complained something about the history of Cleveland's mascot, but I could hardly hear over the Berea High School Band, which was whipping up some tune while a clad of fifteen year old females, dressed in sweat suits, greeted guests with an inviting pregame dance.

Luckily this man also had a pamphlet that succinctly described

why he and about 15 of his friends were protesting. Essentially, mascots like Chief Wahoo, by their nature, are derogatory because they undermine Native Americans as a race. Some of the images used for mascots, like the feather in Cleveland's Chief Wahoo, are revered as sacred symbols.

Despite Cleveland's reluctance to abandon Chief Wahoo, many colleges and universities already have agreed to stop using mascots which insult Native Americans, including the Marquette Warriors and Dartmouth Indians. Moreover, one of the Minnesota newspapers has decided to stop printing mascot names that are considered derogatory in its sports section. As a sports fan and a student, more interested in my own pressing issues than the perennial discrimination problems, this bit of news was quite extraordinary.

A recently voiced rebuttal to these protestors' claims is the genesis of the Cleveland Indians. It was revealed to me that the baseball team was named after one of Cleveland's very own baseball players who was Native American. Fans, upon hearing this, are then incensed that such an honor is considered an insult.

As the Berea High School Band rested, the Native American explained how this certain ballplayer played a minimal role for the team, not to mention how he was harassed more than he was hailed because of his national origin.

This explanation, if true, could be presented to the majority of Clevelanders with the backing of team owners and our city media. This would calm the backlash of hatred voiced by the many fans still loyal to Chief Wahoo, and from there, Chief Wahoo lovers could reasonably discuss the mascot issue with those who remain offended and insulted by that constantly grinning mascot.

# Exercise for the Brain

## CROSSWORD RD® Crossword

Edited by Stan Chess

Puzzle Created by Fred Piscop

- ACROSS**

1 Coeur d' \_\_\_\_\_  
Idaho

6 Jazz style

9 Simoleon

13 "\_\_\_\_\_ mud in your eye!"

14 Crucifix inscription

16 Riley or Morris

17 Anxiety

18 Former boxing champ Spinks

19 55-Across wearer

20 Benny's soccer-playing brother?

22 For a bit

24 Kauai keepsake

25 Lucille's flying brother?

27 Onetime place of exile

31 Con \_\_\_\_\_ (with vigor)

32 Hagen of the stage

33 Tyrone's pyromaniac brother?

38 Apache, for one

40 Corbin's role

41 Franklin flew one

42 Donna's inebriated brother?

44 Participated in a 10K

45 Not fern.

46 Most like a yenta

50 Orson's quick-tempered brother?

54 Bleacherite

55 Kilt material

56 Vanna's eccentric brother?

61 Astronaut Sally

62 "Fernando" singers

64 Deviated, at sea

65 "\_\_\_\_\_ my dead body!"

66 Spoke with forked tongue

67 African antelope

68 Hoosegows

69 \_\_\_\_\_ Miss

70 Enjoys a vacation
- DOWN**

1 *Moby Dick* captain

2 Lead-in to Letterman

3 Syllogist's word

4 Chocolate giant

5 Wet Williams

6 Platypus feature

7 *Nightmare \_\_\_\_\_ Street*

8 \_\_\_\_\_ bono (free)

9 Record of monetary transactions

10 Saint \_\_\_\_\_ (Windward Islands nation)

11 Bikini, for one

12 Tryst locale

15 "\_\_\_\_\_ sitting \_\_\_\_\_, K-I-S-S-I-N-G"

21 Sequel-to-a-sequel designation

23 Senate figure

26 \_\_\_\_\_ potatoes (home fries)

27 Dictionary abbr.

28 "Take \_\_\_\_\_ leave it"

29 Adriatic seaport

30 Chad's location

34 Small-business magazine

35 Paladin's first name?

36 Greek H's

37 Torn

39 Satan, et al.

40 Collection of arms

43 "The Aba \_\_\_\_\_ Honeymoon"

47 Rub out

48 Finn's friend

49 Get a lungful

50 Barber's sharpener

51 Unsophisticated

52 Eve of *Our Miss Brooks*

53 Dynamite guy?

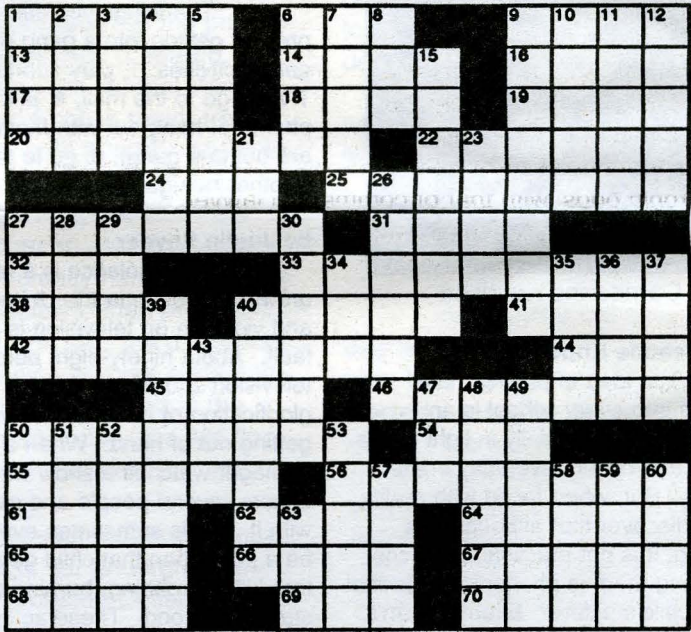
57 Bleach out

58 \_\_\_\_\_ a *Teenage Werewolf*

59 Campground sight

60 Teachers' dogs.

63 Short life



©1993 Crossword Magazine Inc.  
For a free crossword puzzle catalogue, call or write:  
Crossword Magazine, Inc., PO Box 909-A, Bellmore, NY 11710  
(516) 826-9479

Answer key on page 9

# I N T E R N E T

## TOP 10 REASONS TO HAVE AN INTERNET ACCOUNT

10. So you are not left on the side of the road on the Information Super Highway.
9. Explore the online catalogs of libraries anywhere in the U.S. and foreign countries.
8. Access to a wide selection of public domain and shareware software.
7. Receipt of electronic publications.
6. Access to selected government and commercial computers containing a wide variety of information and statistical data.
5. Find programs and documents and transfer them back to your computer.
4. To impress your family and friends.
3. Participation in electronic mailing lists and conferences.
2. Online "real time" interaction with other network users.
1. You can E-MAIL your friends for FREE in far away places!

## Student Internet Accounts

Students can sign up for an internet account between 9:00 a.m. and 6:00 p.m. in LB 144, located in the Law Library's first floor computer lab.

Bring a validated CSU ID or a current schedule along with a picture ID (driver's license) with you.

Accounts may be accessed from home with a properly connected and functioning computer and modem, plus a communications program. The Library has the shareware communications program Telix available. Accounts can also be accessed from the PC Lab.

For more information, see a member of the Automation Department (523-7323).



Book Review:

*The Alchemy of Race and Rights:  
diary of a law professor*

by Patricia J. Williams

A review by Leslye M. Huff  
Staff Writer

Harvard Law School cannot find one black woman on the entire planet who is good enough to teach there, because we're all too stupid. (Well, that's not precisely what was said. It was more like they couldn't find anyone smart enough. To be fair, what Associate Dean Louis Kaplow actually said was that Harvard would have to "lower its standards," which of course Harvard simply cannot do.)<sup>1</sup>

I want you to read this book: **The Alchemy of Race and Rights: diary of a law professor**, by Patricia J. Williams, Harvard University Press, publisher. It is written by a law professor, but it's not a text book. Yes. I am actually asking you to purchase a book (that is not a required text) and to read it because **Alchemy...** is a bridge. It is a bridge between law and justice. It is a bridge between African-Americans in law and the mostly European-American law community. It is a bridge between a law professor and law students. It is a bridge between law and the "real world". And in the real world, "[it's] dangerous to be a woman in some cities. Add race to the mix and it can be downright deadly... Although black women were only 6% of the state's (Ohio) population, 102 or (sic) of the women killed in 1992 were black. That's 56%. In Ohio, as in most of the nation, most of those murders went unsolved."<sup>2</sup> **Alchemy...** is a bridge between black women in law and the primarily male-controlled law community.

Patricia J. Williams is Associate Professor of Law at the University of Wisconsin. She describes herself thusly: "I am a commercial lawyer as well as a teacher of contract and property law. I am also black and female, a status that one of my former employers described as being 'at oxymoronic odds' with that of commercial lawyer."<sup>3</sup>

Williams succeeds in writing an autobiographical essay which artistically and lawfully interweaves complex aspects of herself and her world, revealing contrasts, dichotomies, harmonies, and contradictions, always fully integrated and vibrant. **Alchemy...** reflects a chiaroscuro of law and life. It is actually a diary, but it also makes appropriately "lawful" use of terms of art. For example, Professor Williams discusses "parole evidence" and "redhibitory vice" in an effort to share and even cites cases

that illuminate her internal processes. She manages to cite cases and reflect on casual conversations with her sister on the same page. "Blue-Book" citations do not appear on the page, however; Professor Williams' book is personal. For those interested in becoming a law professor, she shares a bit of the dynamics of academic politics, too. She discloses in the way that master teachers do when their pedagogic strategies include use of the coping model. It works, at least for me it does, because she is so authentic and sincere. Williams struggles with issues as diverse as "Baby M's" life and Eleanor Bumpers' death. She cites a "sausage" case that is reminiscent of Professor Werber's "chickens" case.

**Alchemy...** is a discovery I'd like to share and discuss with you. I found it during winter-break. I attended a conference at Massachusetts Institute of Technology (M.I.T.) called **Black Women in the Academy: Defending Our Name, 1894-1994**. The gathering was a rare moment for African-American women. Over two thousand people attended. Most of the people were black; most of the blacks were women; and we were talking about ourselves for a change.<sup>4</sup> I met several law students and faculty from around the country. Most of us are building a support network so that we might survive the law school environment without losing ourselves or learning to disrespect and devalue our perspectives. I received a lot of very useful pointers from fellow law students and African-American female faculty. One piece of advice I received from almost everyone was "read Patricia J. Williams' book, **The Alchemy of Race and Rights**".

I want to personally give a copy of this book to all of my professors, my fellow students, the librarians and their student assistant, and to the people who help Cleveland-Marshall stay clean and functioning. I wish that I could share it with Latanya Kaye Livingston too. If you read **The Alchemy of Race and Rights...**, I would love to discuss it with you (no heavy debates); leave a message in my box; let's chat about it over tea.

<sup>1</sup>P. J. Williams, *The Alchemy of Race and Rights: diary of a law professor*, Harvard University Press (1991), p.5.  
<sup>2</sup>Cleveland Plain Dealer, Editorial, (Wednesday, February, 16, 1994), p.6B.  
<sup>3</sup>Alchemy..., p.6.  
<sup>4</sup>Black women focus on ourselves so little that when a black women's studies text book was finally published in the early 1980's, it was titled *All of the Women are White and All of the Blacks are Men. But Some of Us Are Brave*, Barbara Smith, Editor.

Postcard from Abroad

Intellect  
from a  
Wine &  
Cheese  
Gathering

The Cleveland-Marshall Summer  
Law Program in Bratislava  
by Analicia Pianca

"Oh, I'm in favor of them."  
Response from visiting Yale Law  
School Professor Akhil Reed  
Amar when a student posed  
"What do you think of the Bill of  
Rights?"

The first two questions asked of  
Professor Amar were: "Um, what  
law school do you teach at?" and  
"So, what's your specialty area?"

Dear Mike, Bratislava, July 1993

The insignificance of being. The mountain is quiet, except for the silent droning of crickets in chorus, tuned out by the stream of cars. Al Jolson came over the speaker-phone, piped in from Germany via our central reception bleach-blonde rotund Polish-Slovak woman downstairs, Theresa; like me, like her grandmother, and her mother's mother. Darkness. Quiet. The voice of students studying for judgment day filters the hallways. Sameness. Sameness. Sameness. The bland greyish high-rise buildings surround, engulf our, my inexistence. Concrete, devoid. Brown eyes, through glasses, look at nothingness and internally sigh. A woman was raped. A girl was raped. She started something she couldn't finish. After it started, she enjoyed it. He played on her madness. Blue eyes turn into lizard's eyes, into snake's eyes --- into a snake in the grass. Genesis. There was no fault because there was no morality. Adam and Eve lived in an amoral world. Morals bespeak knowledge. But they had none. They disobeyed God's edict. But they knew nothing. It was a de facto crime. She felt a need to be touched. He kissed her savagely. They climbed the mountain into an ethereal world. They descended, and she wanted to stay. She bounced from the monkey to the lizard to the beast. The beast was the kindest. Yet in the end she was insignificant in a grey concrete world. Sameness.

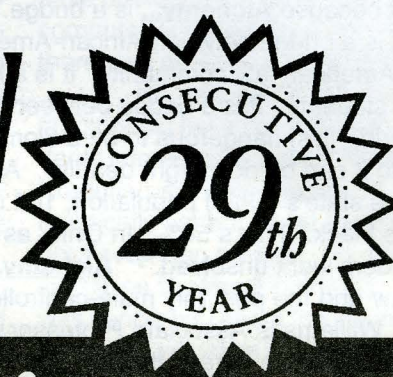
Ciao, Analicia

Mike Pianca  
U.S.A.





**BAR REVIEW**



***The only full service  
bar review course based in Ohio.***

Ohio and National Faculty • Ohio and MBE Preparation • Howard M. Rossen, Director  
• Over 25,000 lawyers have taken this course! •

OHIO BAR/BRI • 1370 Ontario Street, Suite 410 • Cleveland, Ohio 44113

***Over 25,000 lawyers  
have sworn by it!***

OHIO BAR/BRI • 1370 Ontario Street, Suite 410 • Cleveland, Ohio 44113  
**216-696-1326**

**The Gavel**

Cleveland-Marshall College of Law  
Cleveland State University  
Cleveland, Ohio 44115  
(216) 687-4533

**Staff Editors**

Andrea Muto  
Kelly Vaughn Rauch  
Jon Sinclair

**Staff Writers**

David Bentkowski  
Leslye Huff  
Joe Jacobs  
Frank Krajenke

Analicia Pianca  
Les Rockmael  
Ron Russo  
Robin Wilson

**Graphics Assistant**  
Anil Anthony